

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Southern Division

U.S.A. vs. Brian Sholar

Docket No. 7:00-CR-128-1F

Petition for Action on Supervised Release

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Brian Sholar, who, upon an earlier plea of guilty to Conspiracy To Possess With Intent To Distribute and Distribute in Excess of 500 Grams of a Mixture of Methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(a)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on April 2, 2001, to the custody of the Bureau of Prisons for a term of 151 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Brian Sholar was released from custody on September 14, 2010, at which time the term of supervised release commenced.

On January 4, 2013, the conditions of supervised release were modified to include the condition that the defendant participate in a program of mental health treatment.

On September 29, 2014, following a revocation hearing, the defendant was continued on supervision with the conditions that he be placed on the home detention program for a period of 180 days and that he have no contact with his ex-wife, Lynn Sholar.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 11, 2015, Sholar submitted to a urinalysis screening, which was confirmed as positive for methamphetamine by Alere Laboratories. Sholar was confronted about this test on June 3, 2015, at which time he admitted to using methamphetamine on or about May 8, 2015. As Sholar is participating in the Surprise Urinalysis Program, his testing was increased to three times monthly and he was scheduled for a substance abuse evaluation with Chemical Dependency Training Evaluation and Guidance (CDTEG) at their office in Kenansville, North Carolina on June 5, 2015.

As a sanction for the violation conduct, the probation officer recommends imposition of home detention through the use of the Location Monitoring program for the duration of the supervision term which is scheduled to expire on September 13, 2015.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program until his expiration date of September 13, 2015. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Dwayne K. Benfield

Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Kristyn Super

Kristyn Super
U.S. Probation Officer
200 Williamsburg Pkwy Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5104
Executed On: June 5, 2015

ORDER OF THE COURT

Considered and ordered this 5th day of June, 2015 and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge